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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,253	06/29/2004	Rolf Hohmann	27475/05337	4252-
24024	7590	04/26/2007	EXAMINER	
CALFEE HALTER & GRISWOLD, LLP			MITCHELL, KATHERINE W	
800 SUPERIOR AVENUE			ART UNIT	PAPER NUMBER
SUITE 1400				
CLEVELAND, OH 44114			3677	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/710,253	HOHMANN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Katherine W. Mitchell	3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 April 2007.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 12,13,18,24,26,30 and 31 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 12,13,18,24,26,30 and 31 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      - 1) Certified copies of the priority documents have been received.
      - 2) Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      - 3) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                 | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)       |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | Paper No(s)/Mail Date. <u>20070423</u> .                                 |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application        |
|   | 6) <input checked="" type="checkbox"/> Other: <u>petition decision</u> . |

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**DETAILED ACTION**

**WITHDRAWAL OF OFFICE ACTION**

1. Applicant's arguments, see advisory action, filed 2/22/2007, with respect to the rejection(s) of claim(s) 12-13,18,24,26,30,31 under Collister have been fully considered and are persuasive. Therefore, the rejection was withdrawn in the advisory action of 3/9/2007. However, upon further consideration, a new ground(s) of rejection is made in view of Votaw.
2. The Office Action mailed 12/18/2006 is hereby withdrawn, and the finality of that action is withdrawn in favor of the action below. The period for response has been restarted so that the shortened statutory period runs three months from the mail date of this letter. Claims filed 4/17/2007 HAVE been entered. A new action on the merits appears below.

***Specification***

3. Note the amendment to the specification filed 2/22/07 after-final was part of an amendment NOT entered. Any future responses must resubmit the corrections to the specification as filed 2/22/07.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

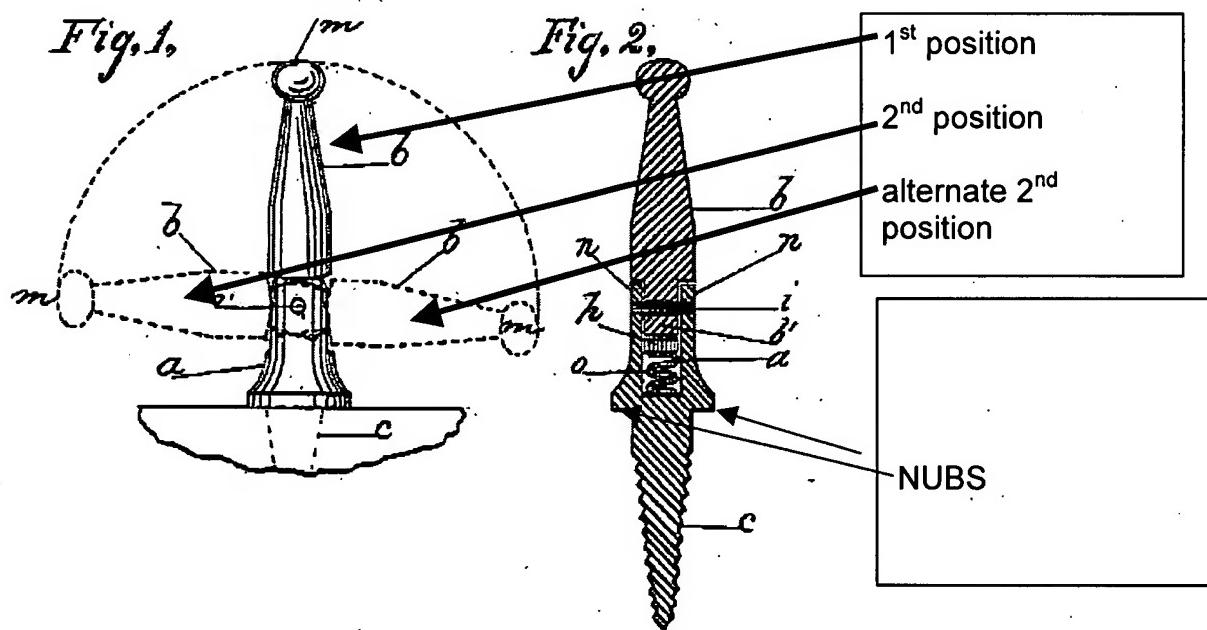
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 12-13,18,24,26,30,31 are rejected under 35 U.S.C. 102(b) as being anticipated by Votaw, USP 370028.

15 In Fig. 1, *b* represents a hinged arm of metal, solid, tapering upward, ending in knob *m*, and at the bottom shouldered, forming a tenon, *b'*. *a* is a tubular base, terminating in a screw-shank at its lower end, and at the upper end having the center cut out, leaving a portion of each side forming jaws *n n*, while that portion below the base of the jaws is bored out or recessed lengthwise to receive a spring, *o*, upon which is placed a plate, *h*, 35 said plate being permitted a vertical movement within the walls of said recess. The jaws *n n* are provided with holes *i'*, to admit an axis-pin, *i*, and a corresponding hole is made in the tenon *b'*, and the tenon *b'* being placed within the jaws *n n*, the axis-pin is inserted, thus hinging the arm *b* to the jaws *n n* of the base *a*. The lower end of the tenon

*b'* is a plain surface at right angles to the plane of the arm *b*, and arranged so as to be in contact with the plate *h*. As the arm *b* is turned a quarter-circle either way, as shown in dotted lines in Fig. 1, the corners of the tenon, which are slightly rounded, impinge on the plate *h*, contracting the spring *o* during the process of turning the arm, and as the side of the tenon is brought parallel with the face of the plate *h* the reaction of the spring *o* brings them in contact and holds the arm in position, as shown in dotted lines.



Re claims 12 and 30: Shaft is "a", locking member is "b". First (solid line version of "b" in Fig 1) and second (dotted line version of "b" in Fig 1 above) positions are as indicated in Fig 1 and described above.

Spring "o" and plate "h" serve as retention means for either the 1<sup>st</sup> or 2<sup>nd</sup> position.

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Note that the slot is considered the lengthwise recess -- "that portion below the base of the jaws is bored out or recessed lengthwise to receive a spring "o"..." The at least one cut out portion on an outer surface and disposed along a slot is the center cut-out portion between jaws "n", which is sized to receive locking member b in seating engagement and retain the locking member in the second (no removal, dotted lines of b) position.

FURTHER RE claim 30: The locking member extends laterally from only one side of the shaft per Fig 1. Note however, it can extend in either of 2 locking positions.

Re claim 13: "C" is considered the angled end portion located at second end of shaft member-- Fig 2.

Re claim 18: Nubs are labeled in Fig 2 above.

nub (nüb) noun

1. A protuberance or knob.
2. A small lump.<sup>1</sup>

Re claim 24: 1<sup>st</sup> and 2<sup>nd</sup> cut out portions 90 degrees apart are considered the openings between the jaws n. Note that the center cut out portion between jaws can be considered 3 cut out portions -- a portion on the "top plane" through which locking member extends when in the 1<sup>st</sup> position, and a cut out between the jaws on the left side through which locking member extends when in the 2<sup>nd</sup> position and a portion between the jaws on the right side of the shaft through which locking member extends

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<sup>1</sup>Excerpted from *The American Heritage Dictionary of the English Language, Third Edition* Copyright © 1992 by Houghton Mifflin Company. Electronic version licensed from Lernout & Hauspie Speech Products N.V., further reproduction and distribution restricted in accordance with the Copyright Law of the United States. All rights reserved.

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when in the alternate 2<sup>nd</sup> position. These 3 cut out portions form the center cut out portion described by Votaw.

Re claims 26 and 31: The locking member b is adapted to be pulled out of engagement with the at least one cut out to allow the locking member to be rotated from the 1<sup>st</sup> to the 2<sup>nd</sup> position. Spring force will require at least some degree of pulling out to rotate the locking member from 2<sup>nd</sup> to 1<sup>st</sup> position.

***Conclusion***

6. The petition filed 3/30/2007 to correct inventorship under 37 C.F.R. 1.48(b) has been approved.

7. Applicant's amendment of 10/25/2006 necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine W. Mitchell whose telephone number is 571-272-7069. The examiner can normally be reached on Mon - Thurs 10 AM - 8 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Katherine W Mitchell  
Primary Examiner  
Art Unit 3677

Kwm  
4/23/2007

